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CITY AND COUNTY OF SAN FRANCISCO, ET AL.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ESTHER HWANG,

Plaintiff,

vs.

CITY AND COUNTY OF SAN  
FRANCISCO, ET AL.

Defendants.

Case No. C07-02718 WDB

**DECLARATION OF OFFICER  
NELSON ARTIGA IN SUPPORT OF  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT AND/OR  
PARTIAL SUMMARY JUDGMENT**

Hearing Date: September 12, 2008  
Time: 9:00 a.m.  
Place: Judge Maxine M. Chesney,  
Courtroom 7, 19th Floor,  
San Francisco, CA

Trial Date: October 27, 2008

1 I, Officer Nelson Artiga, declare as follows:

2 1. I am a police officer in the San Francisco Police Department. I have personal  
3 knowledge of the contents of this declaration, and, if called upon to testify, I could and would testify  
4 competently to the contents of this declaration.

5 2. On May 12, 2007, I was assigned to patrol the Broadway corridor in the North Beach  
6 section of San Francisco, along with Officer Serna and other San Francisco Police Officers. The  
7 objectives of our patrol include keeping the peace, preventing injury due to drunkenness, and  
8 enforcing laws against drunk and disorderly behavior.

9 3. Plaintiff, Esther Hwang, was arrested on May 12, 2007, at approximately 11:20 p.m. in  
10 San Francisco, for being drunk and disorderly, resisting arrest, and battery on a police officer.

11 4. While on patrol on Broadway Street I noticed plaintiff involved in a verbal argument  
12 with her male companion on the sidewalk outside Dolce nightclub, which is on Broadway Street.

13 5. Plaintiff appeared extremely intoxicated. Her eyes were bloodshot, her pupils were  
14 dilated, and her skin was flushed and red. She was also unsteady on her feet.

15 6. Plaintiff then approached me and a group of officers and asked if she could cross  
16 Broadway Street illegally. Another Officer in my presence informed plaintiff not to jaywalk as it  
17 would be dangerous, especially given that she was intoxicated. Plaintiff then responded that she  
18 dated the Mayor.

19 7. While plaintiff was speaking to me I noticed her speech was slurred and that she had a  
20 strong smell of alcohol emanating from her.

21 8. I feared that due to her obvious signs of intoxication, and threat to jaywalk, that she  
22 posed a danger to herself or others.

23 9. Based on my observations, I believed I had probable cause that plaintiff was drunk in  
24 public and unable to care for herself, and arrested her.

25 10. As I attempted to place her in custody, plaintiff resisted arrest, and forcibly stomped  
26 on my foot.

27 11. Neither myself nor any police officer in my presence made any derogatory or vulgar  
28 remark to plaintiff and at all times acted professionally.

12. This declaration was prepared in support of the City's Motion for Summary Judgment. Although it is entirely accurate, it is limited in its scope. There are many more observations I made that evening regarding plaintiff and the facts of that evening that are not included here, as I have been informed by my attorney that they are not relevant to this particular motion.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct.

Executed July 25, 2008, at San Francisco, California.

s/Officer Nelson Artiga

OFFICER NELSON ARTIGA